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Koji Demachi

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

MIAN, OMER S

ART UNIT

PAPER NUMBER

2461

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/584,106	Applicant(s) DEMACHI ET AL.	
	Examiner OMER MIAN	Art Unit 2461	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11,14,15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11,14,15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/17/2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 1-2, 6, 8-10, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over SCHRADER et al (US 2004/0223466) in view of ATTAR et al (US 2004/0179469).

Regarding claim 1, SCHRADER discloses a *communication control system for causing a communication station performing communication in accordance with a standard protocol to perform multiplex communication based on time division of a communication band, the communication control system comprising:*

a time slot assignment section which divides a communication cycle as a basic cycle of time division into time slots, and assigns a set of communication stations and a type of a communication section to each of the time slots (SCHRADER: ¶¶20-21 and Figure 1b, transmission technique based on a UMA protocol is used where type of communication which is cyclic and time synchronous); and

a time-division multiplex communication section which performs communication within a period of the time slot in accordance with the set of communication stations and type of communication section assigned by the time slot assignment section (SCHRADER: ¶¶20-21 and Figure 1b, transmission technique based on a UMA protocol is used where type of communication which is cyclic and time synchronous),

wherein each communication station is equipped with a timer section and a time-synchronous communication section (SCHRADER: Figure 3 and ¶¶29, ¶¶20, network controller where communication is time synchronous),

the type of the communication section includes time-synchronous communication, and cycle data communication (SCHRADER: Fig. 1a and ¶20-21, time synchronous and cyclic data communication sections assigned),

the time-synchronous communication section performs time-synchronous communication by using the time slot in which the time-synchronous communication is assigned (SCHRADER: Fig. 1a and ¶23-25, time-slots assigned to data for communication synchronized in time), and

when the time-synchronous communication section transmits a time-synchronous communication frame to each communication station, time of the timer section of each communication station and the time slots of all communication stations are synchronized (SCHRADER: Fig. 1a and ¶20-21 and ¶27, time of communications stations is synchronized with respect to time slots using the transmitted synchronization message) wherein said communication control system controls communications in an industrial application (SCHRADER: Fig. 2 and ¶28, communication is controlled for communicating pictures and other media).

SCHRADER does not explicitly disclose that the type of the communication section includes *non-cycle data communication*.

However, ATTAR expressly discloses the type of the communication section includes *non-cycle data communication* (ATTAR: ¶62, ACK channel is used to send positive acknowledgement when the packet was transmitted correctly).

A person of ordinary skill in the art working with the invention of SCHRADER would have been motivated to use the technique taught by ATTAR as it provides a

Art Unit: 2461

feedback from the receiver to ensure reliability of communication for high priority and important control data transmitting stations. Therefore, it would have been obvious to implement the invention of SCHRADER with the teachings of ATTAR in order to improve reliability and expand the types of communication to increase consumer base.

Regarding claim 2, the already combined teachings of SCHRADER and ATTAR, hereinafter SA, discloses a *communication control system wherein the set of communication stations is generated by grouping the communication stations based on addresses of the respective communication stations* (ATTAR: ¶26, where a subset of users are addressed the broadcasted packets).

Regarding claim 6, SA discloses a system *wherein the communication section is a communication section for performing 1-to-N non-cyclic data communication* (where more than one receiver are present), *and the communication section includes:*

a data transmission section for broadcasting data packets to a group address as destinations of a plurality of communication stations (ATTAR: ¶26, where a subset of users are addressed the broadcasted packets); *and*

a data reception section for receiving a transmitted data packet when a destination address of the transmitted data packet is a group address to which the home communication station belongs (ATTAR: ¶26, receiving the data addressed to the first subset by the first subset users).

Regarding claim 8, SA discloses a communications system *wherein the communication section is a communication section for performing 1-to-1 non-cyclic data communication and an immediate-response type communication, and*

the communication section includes:

a data transmission section for transmitting a data packet to a single communication station, and retransmits the data packet in a case where a normal acknowledgment is not returned from a receiving station within a predetermined time (ATTAR: ¶62, ACK channel is used to send positive acknowledgement when the packet was transmitted correctly); and

a data reception section for transmitting a normal acknowledgment when a data packet is normally received (ATTAR: ¶62, NACK channel is used to send positive acknowledgement when the packet was transmitted incorrectly allowing retransmission).

Regarding claim 9, SA discloses a communications system *wherein the data transmission section retransmits the data packet independently of the time slot (ATTAR: ¶62, uses PG channel for ACK/NACK messages).*

Regarding claim 10, SA discloses a communications system *wherein the data transmission section transmits the normal acknowledgement independently of the time slot (ATTAR: ¶204, re-transmission does not depend on the current time slot).*

Regarding claim 21, SA discloses a communications system *wherein the standard protocol is UDP or IP (ATTAR: ¶22, internet protocol).*

5. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over SA as applied to claim 1 above further in view of WU et al. (US 2003/0110435).

Regarding claim 3, SA discloses a *communication control system as set forth in claim 1 above wherein the type of the communication section includes (ATTAR: ¶26, where mode of the type of communication is chosen).*

SA does not explicitly disclose that *at least one of 1-to-N non-cyclic data communication, 1-to-N cyclic data communication, 1-to-1 non-cyclic data communication and 1-to-1 cyclic data communication.*

However, WU explicitly discloses that *at least one of 1-to-N non-cyclic data communication, 1-to-N cyclic data communication, 1-to-1 non-cyclic data communication and 1-to-1 cyclic data communication (WU: ¶8, where one mode is transmitting ACK and NACK messages based on the packet delivery.).*

A person of ordinary skill in the art working with the invention of SA would have been motivated to use the method of multiple modes of communication of WU as it provides a mechanism to avoid delay in ARQ (WU: ¶8). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine the inventions of SA and WU in order to attain efficient communication system.

Regarding claim 4, the already combined teachings of SA and WU, hereinafter AIW, disclose *wherein the 1-to-1 non-cyclic data communication is at least one of an acknowledge type communication which is the 1-to-1 non-cyclic data communication and in which a receiving station returns an acknowledgment to a transmitting station when the receiving station normally receives data(ATTAR: ¶62, ACK channel is used to*

Art Unit: 2461

send positive acknowledgement when the packet was transmitted correctly), *and a negative acknowledge type communication which is the 1-to-1 non-cyclic data communication and in which the receiving station returns a negative acknowledgment to the transmitting station when the receiving section cannot receive the data normally* (ATTAR: ¶62, NACK channel is used to send positive acknowledgement when the packet was transmitted incorrectly)

6. Claims 7, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over SA as applied in claim 1 above in view of HAARSTEN (USPN 6,021,124) further in view of HADZIC et al. (US 20040062278)

Regarding claim 7, SA discloses a system *wherein the communication control system according to claim 1, and the communication section is a communication section for performing 1-to-N cyclic data communication, and*

the communication section includes:

a data transmission section for broadcasting data packets in a fixed cycle to a group address as destinations of a plurality of communication stations (ATTAR: ¶26, where a subset of users are addressed the broadcasted packets);

a plurality of receive buffers (ATTAR: ¶45 and ¶130, where queues exist at the reception and the transmission);

SA does not explicitly disclose that,

a packet reception section which attaches the reception time to the received data packet and sequentially stores the data packet one by one into the plurality of receive

Art Unit: 2461

buffers when a destination address of the received data packet is a group address to which the home communication station belongs ; and

a receive buffer reading section which reads the data packet from the receive buffer having the latest reception time among the plurality of receive buffers, completes readout in a period shorter than the cycle of the broadcasting, and sends the data packet to a higher-level side.

However HAARSTEN expressly disclose *a packet reception section which sequentially stores the data packet one by one into the plurality of receive buffers when a destination address of the received data packet is a group address to which the home communication station belongs (HAARSTEN: col. 3 lines 3-20, go-back-n ARQ is employed data packet is stored and records corresponding time); and*

a receive buffer reading section which reads the data packet from the receive buffer having the latest reception time among the plurality of receive buffers, completes readout in a period shorter than the cycle of the broadcasting, and sends the data packet to a higher-level side (HAARSTEN: col. 3 lines 3-20, go-back-n ARQ is employed where it is the buffer length is kept shorter than the maximum round trip delay).

The already combined teachings of SA and HAARSTEN, herein after SAH, does not explicitly disclose *attaching the reception time to the received data packet and buffer storing reception time of a received data packet and the data packet as a pair.*

However, HADZIC explicitly discloses *attaching the reception time to the received data packet and buffer storing reception time of a received data packet and the data packet as a pair* (HADZIC, ¶59, receiver adds time stamp)

A person of ordinary skill in the art working with the invention of SAH would have been motivated to use the method employing time stamp attaching method of HADZIC as it provides a higher data co-ordination hence increasing efficient use of communication resources. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine the inventions of SAH and HADZIC in order to attain a better performing communication system.

Regarding claim 11, SA discloses a communications system *wherein the communication section is a communication section for performing 1-to-1 non-cyclic data communication and a negative acknowledge type communication as set forth in claim 1 above*,

SA does not explicitly disclose that *the communication section includes:*
a data transmission section for transmitting a data packet with a sequence number being attached, the sequence number being changed for each transmission;
and

a data reception section which checks a sequence number being attached to a data packet each time the data packet is received, and transmits a negative acknowledgment packet to a transmitting station when detecting a lost sequence number as a result of checking,

wherein the data reception section attaches a sequence number specifying the data packet that is received normally at the latest to the negative acknowledgment packet,

when the data transmission section receives the negative acknowledgment packet, the data transmission section sequentially retransmits data packets starting with an undelivered data packet being specified by the sequence number attached to the negative acknowledgment packet,

when the data transmission section does not transmit a subsequent data packet for a predetermined time on completion of the transmission of the data packets, the data transmission section transmits a delivery acknowledgment packet to a receiving station, and when a sequence number specified by a returned acknowledgment packet does not indicate the last transmitted data packet, the data transmission section sequentially retransmits data packets starting with an undelivered data packet specified by the returned acknowledgment packet, and

when the data reception section receives the delivery acknowledgment packet, the data reception section returns to the transmitting station an acknowledgment packet to which a sequence number specifying the last received data packet is attached.

However, HAARSTEN explicitly discloses a system where *the communication section includes:*

a data transmission section for transmitting a data packet with a sequence number being attached, the sequence number being changed for each transmission (HAARSTEN: col. 3 lines 1-20 and col. 8 lines 26-36, Go-Back-N ARQ is used); and

a data reception section which checks a sequence number being attached to a data packet each time the data packet is received, and transmits a negative acknowledgment packet to a transmitting station when detecting a lost sequence number as a result of checking (HAARSTEN: col. 3 lines 1-20 and col. 8 lines 26-36, Go-Back-N ARQ is used),

wherein the data reception section attaches a sequence number specifying the data packet that is received normally at the latest to the negative acknowledgment packet (HAARSTEN: col. 3 lines 1-20 and col. 8 lines 26-36, Go-Back-N ARQ is used),

when the data transmission section receives the negative acknowledgment packet, the data transmission section sequentially retransmits data packets starting with an undelivered data packet being specified by the sequence number attached to the negative acknowledgment packet (HAARSTEN: col. 3 lines 1-20 and col. 8 lines 26-36, Go-Back-N ARQ is used),

when the data transmission section does not transmit a subsequent data packet for a predetermined time on completion of the transmission of the data packets, the data transmission section transmits a delivery acknowledgment packet to a receiving station, and when a sequence number specified by a returned acknowledgment packet does not indicate the last transmitted data packet, the data transmission section sequentially retransmits data packets starting with an undelivered data packet specified by the returned acknowledgment packet (HAARSTEN: col. 3 lines 1-20 and col. 8 lines 26-36, Go-Back-N ARQ is used), and

when the data reception section receives the delivery acknowledgment packet, the data reception section returns to the transmitting station an acknowledgment packet to which a sequence number specifying the last received data packet is attached(HAARSTEN: col. 3 lines 1-20 and col. 8 lines 26-36, Go-Back-N ARQ is used).

A person of ordinary skill in the art working with the invention of SA would have been motivated to use the method employing Go-Back-N ARQ of HAARSTEN as it provides a higher throughput for the system (HAARSTEN: col. 3, lines 1-20). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine the inventions of SA and HAARSTEN in order to attain a better performing communication system.

Regarding claim 14, SAH discloses a communications system *wherein the data reception section performs transmission of the negative acknowledgment packet and the acknowledgment packet independently of the time slot* (ATTAR: ¶62, uses PG channel for ACK/NACK messages).

Regarding claim 15, SA discloses a communications system *wherein the communication section is a communication section for performing 1-to-1 cyclic data communication as set forth in claim 1 above where the communication section includes a transmission requesting section for requesting cyclic transmission of a data packet addressed to a specified communication station by a start request packet, based on a data acquisition request* (ATTAR: ¶42, a data transmission request is made) *and when receiving the start request packet, starts transmission of a data packet being specified by the start request packet to a communication station of a requesting source in a cycle*

specified by the start request packet (ATTAR: ¶42, transmission starts the transmission cycle as specified by the request), and;

SA does not explicitly disclose that the communication section includes:

a halt requesting section for requesting a halt of cyclic transmission of the data packet by a halt request packet;

halts transmission of the data packet on receiving a halt request packet; and a data reception section for receiving the data packet;

wherein the data reception section includes:

a plurality of receive buffers each of which stores reception time of the received data packet and the data packet as a pair;

a packet reception section which attaches the reception time to the received data packet and sequentially stores the data packet one by one into the plurality of receive buffers; and

a receive buffer reading section which reads the data packet from the receive buffer having the latest reception time among the plurality of receive buffers, completes readout in a period shorter than the cycle specified by the start request packet, and sends the data packet to a higher-level side.

However, HAARSTEN explicitly discloses that the communication section includes:

a halt requesting section for requesting a halt of cyclic transmission of the data packet by a halt request packet (HAARSTEN: col. 9, lines 8-43, buffer is empty and source buffer is full halts the transmission);

halts transmission of the data packet on receiving a halt request packet; and a data reception section for receiving the data packet (HAARSTEN: Fig. 5 A and 5B, col. 9, lines 8-43, buffer is empty and source buffer is full halts the transmission);

wherein the data reception section includes:

a plurality of receive buffers each of which stores reception time of the received data packet and the data packet as a pair (HAARSTEN: col. 3 lines 3-20, go-back-n ARQ is employed where a time of recorded and compared to delay) ;

a packet reception section which sequentially stores the data packet one by one into the plurality of receive buffers (HAARSTEN: col. 3 lines 3-20, go-back-n ARQ is employed data packet is stored and records corresponding time); and

a receive buffer reading section which reads the data packet from the receive buffer having the latest reception time among the plurality of receive buffers, completes readout in a period shorter than the cycle specified by the start request packet, and sends the data packet to a higher-level side (HAARSTEN: col. 3 lines 3-20, go-back-n ARQ is employed where it is the buffer length is kept shorter than the maximum round trip delay)

A person of ordinary skill in the art working with the invention of A SA TTAR would have been motivated to use the method employing Go-Back-N ARQ as it provides a higher throughput for the system (HAARSTEN: col. 3, lines 1-20). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine the inventions of SA and HAARSTEN in order to attain a better performing communication system.

The already combined teachings of SA and HAARSTEN, herein after SAH, does not explicitly disclose *attaching the reception time to the received data packet*.

However, HADZIC explicitly discloses *attaching a time stamp to the received data packet* (HADZIC, ¶59, receiver adds time stamp)

A person of ordinary skill in the art working with the invention of SAH would have been motivated to use the method employing time stamp attaching method of HADZIC as it provides a higher data co-ordination hence increasing efficient use of communication resources. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine the inventions of SAH and HADZIC in order to attain a better performing communication system.

7. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over SA as applied in claim 1 above in view of YONG et al. (USPN 5, 541,919)

Regarding claim 17, SA discloses a communications system *wherein performs time-division multiplex communication by using the time slots as set forth in claim 1 above where the communication control system comprises:*

A plurality of reception queue and a plurality of transmission queue constitutes a queue of reception and transmission packets (ATTAR: ¶45 and ¶130, where queues exist at the reception and the transmission)

SA does not explicitly disclose that *the queue sections is provided for each type of communication;*

a transmission section for transmitting packets in the plurality of transmission queue sections in accordance with a predetermined priority order with priority information corresponding to the transmission queue section being attached;

a reception section for distributing and storing received packets in the plurality of reception queue sections in accordance with the priority information; and

a reading section which reads data stored in the plurality of reception queue sections in accordance with a predetermined priority order, and sends the data to a higher-level side.

However, YONG expressly discloses that *the queue sections are provided for each type of communication* (YONG: Fig. 9 , and col. 2, lines 53-64, plurality of buffers are for different services);

a transmission section for transmitting packets in the plurality of transmission queue sections in accordance with a predetermined priority order with priority information corresponding to the transmission queue section being attached (YONG: col. 2 line 65 - col. 3, line 26, where based on priority the packets are multiplexed for transmission);

a reception section for distributing and storing received packets in the plurality of reception queue sections in accordance with the priority information (YONG: col. 4 lines 20-58, queue sections in accordance with the priority); *and*

a reading section which reads data stored in the plurality of reception queue sections in accordance with a predetermined priority order, and sends the data to a

higher-level side (YONG: col. 4 lines 20-58, queue sections in accordance with the priority and transmit data).

plurality of reception queue sections which exists between predetermined layers of the OSI layer model, is provided for each type of the (YONG: Fig. 2, queues exist between data link and network)

A person of ordinary skill in the art working with the invention of SA would have been motivated to use the method employing queuing technique of YONG as it provides a a good trade off between efficiency and delay (YONG: col. 2 lines 3-10). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine the inventions of SA and YONG in order to attain a better performing communication system.

Regarding claim 18, The already combined teachings of SA and YONG, hereinafter SAY, discloses a communications system *wherein the transmission section executes transmission processing of specific transmission queue section among the plurality of transmission queue sections in a case where data does not exist in the transmission queue section that has higher priority over the specific transmission queue section* (YONG: col. 4 lines 20-58, a buffer is served when a priority higher buffer is empty).

Regarding claim 19, SAY discloses a communications system *wherein the reading section executes reading processing of specific reception queue section among the plurality of reception queue sections in a case where data does not exists in the reception queue section that has higher priority over the specific reception queue*

Art Unit: 2461

section (YONG: col. 4 lines 20-58, a buffer is served when a priority higher buffer is empty).

Regarding claim 20, SAY discloses a communications system *wherein the transmission queue section and the reception queue section exist between a second layer and a third layer of an OSI layer model* (YONG: Fig. 2, queues exist between data link and network).

Response to Arguments

8. Applicant's arguments filed 6/17/2010 have been fully considered but they are not persuasive.

a. Applicant argues, *"Applicant submits that ATTAR does not disclose a time slot assignment section that assigns a set of communication stations and a type of a communication section to each of the time slots. See claim 1. Instead, ATTAR discloses: "At each time-slot, data transmission occurs from an access point to one and only one access terminal ... " See paragraph [0020], emphasis added. Applicant submits that this clearly teaches away from the claimed invention. Applicant submits that paragraph [0018] fails to cure this deficiency. The TDMA technique disclosed in ATTAR merely teaches assigning multiple time slots to multiple communication stations Whereas, claim 1 requires that a set of communication stations (including a plurality of said communication stations) and a type of a communication section are assigned to each of the time slots. Accordingly, the TDMA technique disclosed in ATTAR fails to disclose this claimed feature. Likewise, INUMA fails to teach or suggest this claimed feature.*

Accordingly, even if one were to combine the references in the manner suggested by the Examiner, the result would not be the claimed invention."

(Applicant's Response, Page 12-13)

Examiner respectfully disagrees with the applicant's argument. Applicant argues that ATTAR does not disclose and teaches away from the claimed limitation of "assigns a set of communication stations and a type of a communication section to each of the time-slots". Although the reliance upon ATTAR for rejecting this does not exist under the new grounds of rejection, ATTAR, at the same time does not teach away from the claimed invention.

First, a "set" in the art could contain any number ranging from null to any real number. This includes a scenario where one station is assigned one time slot. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies ("*set of communication stations (including a plurality of said communication stations)*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, assuming *arguendo* that the set of the communication stations is reasonably interpreted as containing plurality of said communication stations, ATTAR still does not teach away from the claimed invention. Applicant supports the position of ATTAR teaching away relying on ¶20 of ATTAR where it states "at each time-slot data transmission occurs from an access point to one and only one access terminal". This

Art Unit: 2461

position is not valid. ATTAR, undoubtedly states that in one time slot *transmission* is to only one station. This is not the same as one station being *assigned* one time-slot. Although, one station is *communicating* using one time-slot there is no disclosure in ATTAR that suggests that more than one stations *cannot* be assigned to one time-slot. Further, the portion of ATTAR being relied on is the description of the IS-856 standard which is not being used exactly in its originally form in the invention. This is evident from ¶78 of ATTAR where a modified version of IS-856 is used where simultaneous transmission is carried out to different mobile stations implying that one time-slot is used for multiple stations.

b. Applicant argues, *"Furthermore (assuming arguendo that one were to combine the cited references), the result would no___! be the claimed invention because none of the cited references, alone or in combination, discloses "when the time-synchronous communication section transmits a time- synchronous communication frame to each communication station in the set of communication stations, time of the timer section of each communication station and the time slots of all stations in the set of communication stations are synchronized." See claim 1. The Examiner relies on ATTAR to disclose this feature; however, paragraph [0135] of the ATTAR reference, for example, only discloses that the timing of the access points and access terminals is synchronized (e.g., the communication station is synchronized.) Whereas, claim 1 recites that the time-synchronous communication frame is transmitted to each communication station, and the time slots of all communication stations are synchronized. ATTAR fails to*

teach or suggest this feature. Likewise, 1NUMA fails to teach or suggest this feature.” (Applicant’s Response, Page 13)

Applicant's above arguments with respect to claim 1-4, 6-11, 14, 15 and 17-21 have been considered but are moot in view of the new ground(s) of rejection. .

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMER MIAN whose telephone number is (571)270-7524. The examiner can normally be reached on Monday-Thursday 8:30am-6pm and Fridays 8:30am-12:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, HUY VU can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Application/Control Number: 10/584,106
Art Unit: 2461

Page 23

/O. M./
Examiner, Art Unit 2461

/Huy D Vu/

Supervisory Patent Examiner, Art Unit 2461